

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

TEXTRON INNOVATIONS INC.,)	
)	
Plaintiff,)	
)	
v.)	C. A. No. 05-486 (GMS)
)	
THE TORO COMPANY,)	
)	
Defendant.)	

DECLARATION OF DAVID S. KLIS

OF COUNSEL:

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*Attorneys for Defendant
The Toro Company*

Dated: August 16, 2005

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE

TEXTRON INNOVATIONS, INC.,

Plaintiff,

 \mathbf{V}_n

THE TORO COMPANY,

Defendant.

CIVIL ACTION NO. 05-486 (GMS)

DECLARATION OF DAVID S. KLIS

I, David S. Klis, declare as follows:

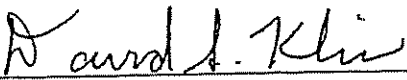
1. I am 56 years of age. My residence is located at 16710 45th Ave. N., Plymouth, Minnesota 55446.
2. I am an employee of The Toro Company ("Toro"), located at 8111 Lyndale Ave. S., Bloomington, Minnesota 55420.
3. I have been an employee of Toro for about 31 years. I have extensive factual knowledge about Toro generally, research and development of its products, the location of its facilities, and sales and marketing of its products.
4. My title is the Director of Technical Operations of the Commercial Division. I have held this position since about 2000. James R. Swindal was the Managing Director of Technical Operations of the Commercial Division prior to me taking on that position.
5. As Director of Technical Operations of the Commercial Division I have responsibilities for research, development, and ongoing engineering support for new and existing commercial turf-maintenance products, which include Toro's Groundsmaster 3500-D, 4500-D, and 4700-

D products and their predecessors. It is my understanding that these are among the principal products Textron Innovations, Inc. is accusing of patent infringement in this case.

6. Aside from being incorporated in Delaware, and selling a relatively small fraction of its products there, Toro has few contacts with Delaware. Toro's corporate employees, engineers, books and records are located in Minnesota. Toro's research, design, development, sales and marketing departments for the accused products are also located in Minnesota. Toro's facility that manufactures the accused products is located in Tomah, Wisconsin, which is only about 2 1/2 hours drive from Toro's Minnesota Headquarters.

I declare under penalty of perjury of the laws of the United States that the foregoing is true and correct.

Executed this 15th day of August 2005.



David S. Klis

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

CERTIFICATE OF SERVICE


I, David E. Moore, hereby certify that on August 16, 2005, the attached document was hand delivered to the following persons and was electronically filed with the Clerk of the Court using CM/ECF which will send notification of such filing(s) to the following and the document is available for viewing and downloading from CM/ECF:

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I hereby certify that on August 16, 2005, I have Federal Expressed the documents to the following non-registered participants:

Scott L. Robertson
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By: _____


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